

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Sharon D. Wilson,)
Plaintiff,) C/A No. 6:04-2339-RBH
vs.)
Javier Agosto and Ray Leblant,)
Defendants.)

)

O R D E R

The plaintiff is proceeding in this action *pro se*. This matter is before the Court on defendants' motion for summary judgment filed March 29, 2005. On March 29, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary dismissal procedure and the possible consequences if she failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion. Since the plaintiff is proceeding *pro se*, the court filed a second order on May 6, 2005, giving the plaintiff through May 31, 2005, to file her response to the motion to dismiss. The plaintiff was specifically advised that if she failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for a Report and Recommendation. The Magistrate Judge filed a Report and Recommendation on June 2, 2005 in which he recommended that summary judgment be granted because plaintiff failed to provide any response to the defendant's motion for summary judgment. Plaintiff filed no objections to the Report and Recommendation .

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has reviewed the Report, pleadings, memoranda, and applicable law. The Court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, this action is dismissed pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge

June 22, 2005
Florence, South Carolina